

Appl. No : 10/727,580  
Applicants : SAUVAGEAU, Guy et al.  
Filed : December 5, 2003  
Title : STEM CELL EXPANSION ENHANCING FACTOR AND METHOD  
OF USE  
TC./A.U. : 1636  
Examiner : DUNSTON, Jennifer Ann  
Agent's Docket No.: FC 14632-7  
Customer No. : 1059

Mail Stop Amendment  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
United States

## **RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In complete response to the Requirement for Restriction mailed May 30, 2006, Applicants provisionally elect, albeit with traverse, to prosecute the claims of Group II, namely claims 7 to 13 and 18 to 23.

Reconsideration of the Restriction Requirement is respectfully requested. The claims of Groups I to IV are related as product and process of using. Under M.P.E.P. §806.05(h), a product and a process of using are only distinct inventions if it can be shown that "(1) the process for using as claimed can be practiced with another materially different product, or (2) the product as claimed can be used in a materially different process."

As the claims presently stand, claims 1 to 6 are directed to a stem cell expansion factor. Claims 7 to 13 are directed to methods for enhancing expansion of a stem cell population for claim 1. Claims 14 to 17 are directed to methods for enhancing expansion of a stem cell population based on the factor of the present invention. Likewise, claims 18 to 23 are directed to methods for restoring a patient hematopoietic capability using the factor of claim 1. Composition claims 24 and 25 are dependent on claim 1. Thus, the process as presently claimed cannot be practiced with another materially different product. Therefore, the requirements of M.P.E.P. §806.05(h) are not met. Withdrawal of the Restriction Requirement and examination on the merits are therefore respectfully requested.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

Guy Sauvageau et al.

A handwritten signature in cursive script, appearing to read "France Côte", written over a horizontal line.

France Côte

Reg. No. 37,037

Tel.: (514) 871-2929

FC/nc